CONSTITUTION
of
NATIVE VILLAGE OF UNGA

PREAMBLE

We, the Alaska Natives of Unga, Alaska, citizens of the United States and descendants of the original inhabitants of this land, having common bonds of ancestry, culture, and community identity, in order to implement our inherent right of self-government as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this Constitution.

ARTICLE I
NAME

The community shall be called the Native Village of Unga.

ARTICLE II
TERRITORIAL JURISDICTION

The territorial jurisdiction of the Native Village of Unga shall extend to all such lands selected under the Alaska Claims Settlement Act and any other lands acquired by this village, or any Indian country as may exist under federal law.

ARTICLE III
MEMBERSHIP

Section 1. Base Membership

All persons listed on the Base Roll of the Native Village of Unga shall be members of the village. The Base Roll is to be certified by the village council within one year of the adoption of this Constitution and is to include only those living persons of one quarter Alaska Native descent who:

a. are domiciled in the village of Unga at the time the Base Roll is certified; or

b. were born or raised in the Unga village; or

c. are so substantially affiliated with the village through extended periods of residency, family ties, or other factors as to be considered members of the village by common community knowledge, as determined by the village council; or

d. are shareholders of the Unga Corporation and have other substantial ties to the Unga village, as determined by the village council.

Section 2. New Members

Children - All children born to members residing in the village and all children biologically of Alaska Native descent who are adopted by members residing in the village shall be admitted to membership upon application.

Adopted Members - Any persons of Alaska Native descent not otherwise eligible for membership but with familial or other significant ties to the village may be admitted to membership at the descretion of the village council.

Section 3. Dual Membership Prohibited

No persons over the age of eighteen (18) may be a member of the Native Village of Unga who is also an enrolled member of another federally recognized Alaska Native village or Indian tribe.

Section 4. Loss of Membership

Membership may be voluntarily relinquished by written notice from a member to the council. The relinquishment will be effective upon validation by the president or the secretary of the village council, and may be contingent upon enrollment in another tribe. The council may revoke membership involuntarily for fraud or the use of false information in the application or for other just cause upon due process of village law. A duly constituted tribal court may deprive members of rights associated with membership. A tribal court may recommend disenrollment to the village council. Any person who has been disenrolled may reapply for membership; provided, that the re-enrollment of any person who was involuntarily disenrolled by the council shall be at the discretion of the council.

Section 5. Honorary Members

Persons not eligible for membership may be designated honorary members by the village council. Honorary members may not hold elective office, do not have the right to vote, and do not become eligible for tribal benefits by reason of their honorary membership.

Section 6. Regulation of Membership

The village council shall establish an enrollment committee to develop the Base Roll and process applications and may establish rules and procedures governing enrollment, including application and appeals procedures.

ARTICLE IV
ENROLLMENT COMMITTEE

Section 1. Committee

There shall be an enrollment committee appointed by the council.

Section 2. Duties

The committee shall prepare the Base Roll for the council certification, develop forms and procedures for the enrollment system, administer the enrollment system, make recommendations to the council, and explore grant or other funding sources for the enrollment system.

Section 3. Enrollment Clerk

The village sectretary may serve as enrollment clerk. An additional or substitute clerk may be appointed by the council, depending on funding. The enrollment clerk will assist the committee, will receive applications for enrollment, and will maintain applicant files.

Section 4. Dissolution of Enrollment Committee

The council may, after certification of the Base Roll, dissolve the enrollment committee, in which event the duties of the enrollment committees shall be assumed by the enrollment clerk unless otherwise assigned by the council.

Section 2. Application Process

Applications

An application for new membership shall be made by filing a completed application form with the enrollment clerk, together with any proof. The enrollment clerk shall forward the applications and accompanying proof to the enrollment committee, for recommendations or, in the absence of an enrollment committee, shall himself prepare a recommendation for the council.

Council Decision

The enrollment clerk or committee shall present the application, accompanying proof, and recommendation to the council for action at its next regular meeting. After the council has acted the enrollment clerk shall notify the applicant of the decision, and in the event of a rejected applicant, of the grounds for the decision and of the applicant's right to appeal under Article VIII of this constitution.

Section 3. Annual Review

At least once a year, or each month the enrollment clerk or enrollment committee shall update the registry and prepare a current tribal roll. As part of this processs, the enrollment clerk or committee shall record known deaths and shall solicit membership applications from the parents of children born during the year.

ARTICLE VII
PROOF

Section 1. Burden of Proof

The burden of proving eligibility for membership is on the applicant. In case of involuntary disenrollment , the burden of proof is on the party seeking the enrollment.

Section 2. Standard of Proof

Any fact relevant to an application for membership or to an involuntary disenrollment may be established by evidence sufficient to satisfy the council. The council may rely on its own knowledge of the community in reaching decisions.

Section 3. Native Ancestry and Blood Quantum.

Blood quantum information in the shareholder roll complied by the Bureau of Indian Affairs for the Alaska Native Claims Settlement Act is presumed correct and is sufficient proof of the Native ancestry. Blood quantum for persons not on the ANCSA Roll may be established by tracing such person's ancestry to persons who are on that roll.

Section 4. Committee Recommendations.

When the enrollment committee makes recommendations for council action, it shall indicate the proof upon which it relied. The committee itself may certify facts as true when they are within the personal knowledge of committee members; provided that this power does not extend to issues of biological parentage.

ARTICLE XII
POWERS

Section 1. Assertion of Power

The Native Village of Unga shall have all rights and powers of a sovereign, self-governing people except to the extent limited by federal law.

Section 2. Powers of Council

Except as otherwise provided by this Constitution, all powers of the Native Village of Unga may be exercised by the village council.

Section 3. Power to Tax Reserved

No taxes or assessments may be levied without a referendum of the eligible voters of the village.

ARTICLE XIII
POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative

The eligible voters of the village shall have the right to propose legislation or other community action. Upon receipt of a petition signed by at least 20% of the eligible voters, the council shall call an election to be conducted within thirty (30) days of receipt of the petition. The election shall be by secret ballot. At least 30% of the eligible voters must vote for the election to be binding.

Section 2. Referendum

The village council may call an election for the purpose of deciding any issue or question which is within the authority of the council. At least 30% of the eligible voters must vote for the election to be binding.

Section 3. Voter Decision Binding

The decision of the majority of voters in both initiative and referendum elections shall be binding on the council and the village and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE XIV
RIGHTS OF MEMBERS

Section 1. Rights and Privileges

All members of the village shall enjoy without hindrance their rights as citizens of the United States.

Section 2. Indian Civil Rights Act

In exercising its powers of self-government the village shall comply with the provisions of the Indian Civil Rights Act, 25 USC 1301, et. seq., and not infringe the individual liberties guaranteed therein.

Section 3. Right to Inspect Records

Members of the village shall have the right to review all records of the village government, including financial records, at any reasonable time in accordance with procedures established by the council.

ARTICLE XV
DUTIES OF OFFICERS

Section 1. President

The President shall preside at all meetings of the community and of the council and shall execute on behalf of the village all contracts, leases, or other formal documents approved by the council. S/he shall vote in matters before the council. S/he shall have the general supervision of all other officers, employees and committees of the village and see that their duties are properly performed. When the council is not in session, s/he shall be the offical representive of the community.

Section 2. Vice-President

The Vice-President shall assist the President when called upon to do so. In the absence of the President, s/he shall preside and when so presiding shall have all the rights, duties, privileges, and responsibilities of the president.

Section 3. Secretary

The Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. S/he shall maintain in permanent form all minutes, resolutions, ordinances, and rules of the villages, which shall be public information. S/he shall issue notices of all meetings and elections and conduct all general correspondence as directed by the council.

Section 4. Treasurer

The Treasurer shall carry out the financial directives of the council, receive and safeguard all monies of the council and keep an accurate account of receipts and disbursements. S/he shall report to the council all receipts and expenditures and the amount and nature of all council funds. Funds shall be deposited in a bank approved by the council where depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the council.

ARTICLE XVI
MEETING

Section 1. Regular and Special Meetings

Regular meetings of the council shall be held monthly, the time, place, and date to be designated by the council. Special meetings of the council may be called by the president and shall be called by he/r upon request of at least two (2) members of the council and when so called, the council shall have power to transact business as in regular meetings.

Section 2. Quorum

A quorum of the council shall consist of three (3) members of the council. No business shall be transacted unless a quorum is present.

Section 2. Procedures

The office of the tribal judge, all duties, or any other function relating to Tribal Court shall be set forth by ordinance.

ARTICLE XVIII
SEVERABILITY

If any provision of this Constitution should be declared invalid by a federal or tribal court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XIX
SAVINGS CLAUSE

Section 1. Existing Law Remains in Effect

To the event consistent with this Constitution, all previous ordinances and resolutions adopted by the traditional council of Unga and all customary village law shall remain in effect following the adoption of this Constitution.

Section 2. Revisions

In the event of future constitutional revisions, all previous ordinances, resolutions and customary village laws shall remain in effect to the extent that they are consistent with the new constitution or amendments.

ARTICLE XX
AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters in an election called for that purpose, provided that at least 30% of those eligible vote. The election may take place at the annual membership meeting.

XXI
MISCELLANEOUS

Section 1. Applications for Minors

Applications for membership and voluntary relinquishment for minor children may be filed by a parent or legal guardian or other person with custody of the child.

Section 2. Confidentiality

Applications for membership and supporting proof and information are confidential and will be used only by village officials as necessary for enrollment purposes.

Section 3. Use of Tribal Roll

The tribal roll is the property of the village. It may be inspected by village members in the village offices, but will not be copied and disseminated outside the village offices, only with approval of the village council.

Section 4. Proof of Tribal Membership

The village council may issue tribal membership cards which will be proof of membership. In the absence of such cards, the president or secretary of the council will issue letters certifying membership upon request. The council may provide the entire current membership roll to the Indian Health Service or to other agencies which administer programs for Native Americans.

Section 5. Certification of Eligibility of Minors

The village council may issue a letter certifying a non-enrolled minor child to be eligible for membership if it appears the child meets one or more of the eligibility criteria under this Constitution. The letter may be issued on the council's own initiative or upon request by the child, a parent, or by any other interested person.

ARTICLE XXII
ADOPTION

Section 1. Effective Date

The constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in this Constitution, at an election or meeting called for that purpose in which at least 30% of those eligible vote.

Section 2. Transition

a. Traditional council members elected prior to the adoption of this Constitution shall remain in office until the first election under this Constitution.

b. Staggered terms of office for village officials required by this Constitution shall be established in the first election of officals under this Constitution.

DATE OF ADOPTION: September 30, 1989

Voting for: 23 **Voting against:** 0

Council President Signature _____ Date 9-30-89

Council Vice-President Signature _____ Date 9-30-89

Secretary/ treasurer Signature _____ Date 9-30-89